

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 21-1015 (LPS)
v.	)	
	)	
SAREPTA THERAPEUTICS, INC.,	)	
	)	
Defendant.	)	

**SAREPTA’S REPLY IN SUPPORT OF ITS MOTION TO STRIKE  
ALLEGATIONS IN NIPPON SHINYAKU’S ORIGINAL COMPLAINT**

Defendant Sarepta Therapeutics, Inc. (“Sarepta”) files this paper in response to Plaintiff Nippon Shinyaku Co., Ltd.’s (“Nippon Shinyaku’s”) Opposition to Sarepta’s Motion to Dismiss Claims II-X and to Strike Select Paragraphs of Nippon Shinyaku’s Complaint. *See* D.I. 44. Sarepta’s motion is moot, however, and no further briefing is necessary.

1. Nippon Shinyaku filed an original complaint on July 13, 2021 (“Original Complaint”). *See* D.I. 2. On September 3, 2021, Sarepta timely filed a Motion to Strike and to Dismiss Claims II-X of Nippon Shinyaku’s Original Complaint (“Motion to Strike and Dismiss”). *See* D.I. 32, 33.

2. In response to Sarepta’s Motion to Strike and Dismiss, Nippon Shinyaku filed a First Amended Complaint (“Amended Complaint”) on September 10, 2021. *See* D.I. 39.

3. Notwithstanding its Amended Complaint, Nippon Shinyaku thereafter filed a brief in opposition to Sarepta’s Motion to Strike and Dismiss its Original Complaint on September 17, 2021. *See* D.I. 44.

4. Nippon Shinyaku’s Amended Complaint, however, renders Sarepta’s pending motion (D.I. 32, 33) moot. *See, e.g., St. Clair Intellectual Prop. Consultants, Inc. v. Hewlett-*

*Packard Co.*, No. 10-425-LPS, 2012 WL 1134318, at \*1, 3 (D. Del. Mar. 28, 2012). Nippon Shinyaku agrees. *See* D.I. 44 at 1 (“Sarepta’s motion to strike paragraphs 11, 66, and 69 of the Original Complaint (D.I. 3[2], 33) is also mooted.”).

5. As a result, no further briefing on Sarepta’s Motion to Strike and Dismiss (D.I. 32, 33) is necessary. Sarepta is concurrently filing a new motion to strike and dismiss Claims II-III of Nippon Shinyaku’s Amended Complaint.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Megan E. Dellinger*

OF COUNSEL:

Charles E. Lipsey  
J. Derek McCorquindale  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
1875 Explorer Street, Suite 800  
Reston, VA 20190-6023  
(571) 203-2700

Michael J. Flibbert  
Aaron Gleaton Clay  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

Alissa K. Lipton  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
Two Seaport Lane  
Boston, MA 02210-2001  
(617) 646-1600

---

Jack B. Blumenfeld (#1014)  
Megan E. Dellinger (#5739)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
mdellinger@morrisnichols.com

*Attorneys for Defendant*

September 24, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 24, 2021, upon the following in the manner indicated:

Amy M. Dudash, Esquire  
MORGAN, LEWIS & BOCKIUS LLP  
1201 North Market Street, Suite 2201  
Wilmington, DE 19801  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

Amanda S. Williamson, Esquire  
Christopher J. Betti, Esquire  
Krista Vink Venegas, Esquire  
Maria E. Doukas, Esquire  
Michael T. Sikora, Esquire  
MORGAN, LEWIS & BOCKIUS LLP  
110 North Wacker Drive, Suite 2800  
Chicago, IL 60606  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

Jitsuro Morishita, Esquire  
MORGAN, LEWIS & BOCKIUS LLP  
16F, Marunouchi Building,  
2-4-1 Marunouchi, Chiyoda-ku  
Tokyo, 100-6316 Japan  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

*/s/ Megan E. Dellinger*

---

Megan E. Dellinger (#5739)